

EXHIBIT 16

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANGELINE MONTGOMERY,

Plaintiff,

vs.

Civil Action No. 12-1244

MIDLAND CREDIT MANAGEMENT

CO., et al.,

Defendants.

ORIGINAL

VIDEO DEPOSITION OF

ASHLEY HOFFMAN

* * *

February 28, 2013

Reported by: Lisa Peterson

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ASHLEY HOFFMAN

1 represent the plaintiff in this matter, Angeline
2 Montgomery.

3 MR. SCHWARTZ: I am Andrew Schwartz
4 from the law firm of Marshall, Dennehey, Warner,
5 Coleman & Goggin and I represent the defendant
6 Midland Credit Management, as well as Burton Neil &
7 Associates.

8 VIDEOGRAPHER: Will the court
9 reporter please swear in the witness.

10 * * *

11 ASHLEY HOFFMAN,
12 being first duly sworn,
13 testified as follows:

14 * * *

15 EXAMINATION BY MR. SOUMILAS

16 * * *

17 Q. Ms. Hoffman, good afternoon.

18 A. Good afternoon.

19 Q. Would you please state your full
20 name for the record, please.

21 A. Ashley Marie Hoffman.

22 Q. Who do you work for, Ms. Hoffman?

23 A. I work for Midland Credit
24 Management.

ASHLEY HOFFMAN

1 Q. What is your position at Midland
2 Credit Management?

3 A. I'm a senior legal specialist.

4 Q. Where is your office located?

5 A. Our office is located at 16
6 McLeland Road, St. Cloud, Minnesota, 56303.

7 Q. Is that where you are today?

8 A. Yes, it is.

9 Q. Did you understand that today you
10 are giving sworn testimony under penalty of perjury
11 in a lawsuit pending in the United States District
12 Court for the Eastern District of Pennsylvania
13 brought by my client Ms. Montgomery against your
14 employer Midland Credit Management and also a related
15 entity called Midland Funding and their attorneys
16 Burton Neil & Associates?

17 A. Yes.

18 Q. And do you understand that
19 Ms. Montgomery's claim is that Midland Credit
20 Management should not have attempted to collect an
21 old Capital One debt from her because she was not
22 responsible for it and also she should not have been
23 sued for that debt by Midland Funding?

24 A. Yes, that is what I was told.

ASHLEY HOFFMAN

1 past fall but the previous year.

2 Q. Between 2009 and the March 2011
3 time frame when you would have signed this affidavit
4 that we have here as Hoffman 1, you were a legal
5 specialist, correct?

6 A. Correct.

7 Q. And what did you do in that
8 capacity for your employer Midland Credit Management?

9 A. I processed affidavits.

10 Q. Did you do anything else?

11 A. I also had some other
12 responsibilities doing work with trial witness and
13 then other small projects here and there but my main
14 duty was to process affidavits.

15 Q. When you say to process affidavits,
16 do you mean to sign them?

17 A. To review them and verify the
18 information and then sign them if they are correct.

19 Q. So we are talking about affidavits
20 like the documents we have here as Hoffman 1 which
21 says "Verification" at the very top, is that
22 correct?

23 A. That's correct.

24 Q. As a legal specialist how many of

ASHLEY HOFFMAN

1 these affidavits did you process per day in the 2011
2 time frame when you processed this one?

3 A. I couldn't even give you an
4 estimate of how many I did in a day. It's dependent
5 on a lot of different variables.

6 Q. Could it have been as many as 200
7 in any given day?

8 A. It could have been.

9 Q. Could it have been as many as 300
10 in any given day?

11 A. Not likely but it's possible.

12 Q. Was it in the hundreds per day?

13 A. It could have been less than 100
14 but it could have been in the 100s.

15 Q. You work full time for Midland
16 Credit Management?

17 A. Yes.

18 Q. And you worked full time between
19 2009 and 2011 when you process these affidavits?

20 A. Yes, I did.

21 Q. Do you still process them today?

22 A. I do.

23 Q. Did you process any yesterday?

24 A. I did not.

ASHLEY HOFFMAN

1 Q. That is no longer your primary
2 responsibility, I take it?

3 A. My responsibility is still with
4 processing affidavits. I'm more now in a quality
5 assurance role and answering questions for our
6 affiants regarding the affidavits.

7 Q. Let's talk about the 2011 time
8 frame when you processed this particular affidavit
9 for Ms. Montgomery. Would you please take us -- Let
10 me be more specific. Did you write or type these
11 affidavits up yourself?

12 A. No.

13 Q. Did they come, if you will,
14 prepared for you to sign?

15 A. Yes.

16 Q. They had all the information in
17 them before you ever saw them for the first time,
18 correct?

19 A. That's correct.

20 Q. How did they come to your
21 attention? How did you know you needed to process
22 one of them?

23 A. They get sent -- the firm sends a
24 request to Midland and then they get printed, they go

ASHLEY HOFFMAN

1 through our Thunderhead program and they get printed
2 in the affiant's name and they get distributed to
3 each of the affiants.

4 Q. When you say the firm, would that
5 be the law firm that Midland Credit Management would
6 have used to bring the lawsuit against the person who
7 was supposed to have owed the debt?

8 A. That's correct.

9 Q. Is this particular form that we see
10 here as Hoffman 1 a form prepared by the Burton Neil
11 & Associates law firm in the Philadelphia area?

12 A. No. This is prepared by our
13 system.

14 Q. When you say your system, you mean
15 the computer system?

16 A. Yes.

17 Q. You mention a name for it. What is
18 it called?

19 A. Thunderhead.

20 Q. Thunderhead is the computer system
21 that knows how to put this together on its own?

22 A. Thunderhead is a program in which
23 templates are loaded and the firm sends the requests
24 through YGC and then they go to Thunderhead which

ASHLEY HOFFMAN

1 generates the affidavit based on preprogrammed
2 templates.

3 Q. Is YGC a separate computer program
4 your employer also uses for these affidavits?

5 A. YGC is an entity we work with.
6 It's kind of the mediary between Midland and the law
7 firms.

8 Q. What does YGC stand for, please?

9 A. You've Got Claims.

10 Q. You've Got Claims is an entity
11 where the law firm can make a request for you to
12 receive one of these affidavits, is that right?

13 A. That's correct.

14 Q. Then Thunderhead which is Midland
15 Credit Management's computer program knows how to
16 prepare it based on a form and have it print it out
17 at your office, is that correct?

18 A. Yes.

19 Q. That is what happened in the 2011
20 time frame when you would have processed this
21 particular affidavit for Ms. Montgomery, is that
22 right?

23 A. That's correct.

24 Q. Was it your routine at the time to

ASHLEY HOFFMAN

1 read the affidavit, read every word of the affidavit?

2 A. Yes.

3 Q. Was it your routine to sign it?

4 A. Yes.

5 Q. There's also a notary public
6 signature immediately below yours. Do you see
7 that?

8 A. I do.

9 Q. Did you sign this affidavit in
10 front of this notary public?

11 A. Yes, I did.

12 Q. Is this a notary public you know,
13 somebody in the office?

14 A. Yes. It's someone I work with.
15 She is also a legal specialist.

16 Q. You go in front of her and you sign
17 these affidavits?

18 A. Yes.

19 Q. Do you do it one at a time or do
20 you do them as a stack?

21 A. Typically we do them as a stack.

22 Q. How many would you sign as a stack
23 at any one time before this public notary?

24 A. That depends how many affidavits I

ASHLEY HOFFMAN

1 processed in that day.

2 Q. A little bit more information about
3 you, Ms. Hoffman. You are not an attorney, are you?

4 A. No.

5 Q. And do you have any legal training
6 or education?

7 A. Yes, I do.

8 Q. What is that, please?

9 A. I graduated from the Minnesota
10 School of Business in 2008 with a paralegal studies
11 degree, an associate's degree in paralegal studies.

12 Q. Other than your paralegal degree,
13 do you have any other training or education?

14 A. I did a short internship at a law
15 firm in Little Falls, Minnesota for maybe six
16 months.

17 Q. Do you have any particular training
18 or education in investigating claims of fraud or
19 identity theft?

20 A. No.

21 Q. Have you given testimony under oath
22 like you are today ever before in your life?

23 A. Yes, I have.

24 Q. How many times, please?

ASHLEY HOFFMAN

1 A. That sounds about right.

2 Q. Are you aware in each one of those
3 lawsuits in 2012 the claim was that you signed a
4 false and misleading affidavit on behalf of your
5 employer Midland Credit Management?

6 A. Yes.

7 Q. Let's go back to Hoffman 1 for a
8 moment, please. Am I correct, Ms. Hoffman, that you
9 don't as you sit here today have any specific
10 recollection of working on this particular affidavit
11 in March of 2011?

12 A. Other than reviewing it in
13 preparation for this deposition, I would not have any
14 recollection.

15 Q. I take it you work on hundreds of
16 these affidavits per day, so any one doesn't just
17 stand out in your memory from two years ago, is that
18 accurate?

19 MR. SCHWARTZ: Objection as to
20 form. Mischaracterizing the testimony, prior
21 testimony.

22 Q. I will ask it a different way. Is
23 it correct that you don't have any specific
24 recollection of the circumstances of Ms. Montgomery's

ASHLEY HOFFMAN

1 affidavit that we have here as Hoffman 1?

2 A. No, other than what I have reviewed
3 in preparation for this deposition.

4 Q. Do you have any reason to believe
5 this particular affidavit was not prepared by you in
6 the routine manner in which you would have prepared
7 affidavits back in March of 2011?

8 A. No.

9 Q. So you think you would have gone
10 through the standard routine in preparing Hoffman 1
11 like you would have in preparing affidavits related
12 to any other person, correct?

13 A. That's correct.

14 Q. You don't know Ms. Montgomery
15 personally in any way, correct?

16 A. Correct.

17 Q. You have never spoken with her,
18 correct?

19 A. Not that I can recall.

20 Q. You have never corresponded with
21 her, correct?

22 A. Correct.

23 Q. Let's go through this affidavit
24 that we have in front of you as Hoffman 1. You would

ASHLEY HOFFMAN

1 agree with me that the language in this affidavit is
2 standard language or form language except for the
3 name of the bank and the account number and the
4 consumer that allegedly owes the debt, is that
5 correct?

6 A. That is correct.

7 Q. In other words, in the first
8 paragraph your affidavit always says that you have
9 personal knowledge of the account records. Do you
10 see that in paragraph one?

11 A. Yes, I do.

12 Q. In the case of Ms. Montgomery is it
13 correct that before signing this affidavit in March
14 of 2011, that you did not review the application with
15 Capital One which initiated this account, opened up
16 the account?

17 A. I did not review that document.

18 Q. And that would be consistent with
19 your routine at the time, correct?

20 A. Yes. My routine did not require me
21 to look at this document when I prepared this
22 affidavit.

23 Q. You would not have looked at any
24 statements from Capital One to a person on an address

ASHLEY HOFFMAN

1 of whoever opened this account, monthly billing
2 statements, correct?

3 A. For this template, no, I would not
4 have looked at any of the statements.

5 Q. Again the template is the one that
6 we have here as Hoffman 1, correct?

7 A. Correct.

8 Q. That is the one that is used in
9 Philadelphia to bring lawsuits against consumers who
10 allegedly owe a debt, correct?

11 A. Correct.

12 Q. You would not have looked at any
13 customer service notes that Capital One may have had
14 concerning this particular account, is that correct?

15 A. That's correct.

16 Q. Again that is consistent with your
17 routine at the time, correct?

18 A. Correct.

19 Q. You would not have looked at any
20 dispute history that Capital One may have included in
21 this account concerning any dispute that
22 Ms. Montgomery may have made to Capital One directly,
23 is that correct?

24 A. Yes.

ASHLEY HOFFMAN

1 Q. Yes, it is correct?

2 A. Yes, that's correct.

3 Q. Again that is consistent with your
4 routine at the time?

5 A. Yes.

6 Q. Continuing further in paragraph one
7 of that affidavit you describe the account. You say
8 that it was Plaintiff, that would be your employer,
9 is the current -- Who is Plaintiff, do you know?

10 A. Yes. The plaintiff would have been
11 Midland Funding.

12 Q. Who is Midland Funding in relation
13 to your employer?

14 A. Midland Funding is -- Midland
15 Credit Management is a subsidiary of Midland Funding
16 both under the umbrella of Encore Capital System --
17 Encore Capital Group.

18 Q. When you say here that Plaintiff is
19 the current owner of and/or successor to the
20 obligations sued upon and was assigned all the
21 rights, you are talking about Midland Funding having
22 obtained some interest in this Capital One account?

23 A. Yes.

24 Q. Was Midland Funding a successor or

ASHLEY HOFFMAN

1 Q. You don't know who assigned it to
2 Midland Funding, do you?

3 A. I would have known at the time
4 because it would have shown up on the screen I was
5 looking at.

6 Q. Do you know who Atlantic Credit &
7 Finance is?

8 A. Yes, I do.

9 Q. Who is that?

10 A. It's a debt seller we do business
11 with.

12 Q. Do you know what type of business
13 you do with them?

14 A. Yes. We purchase accounts from
15 them.

16 Q. Do you know whether this particular
17 account was purchased by Midland Funding not from
18 Capital One but instead from Atlantic Credit &
19 Finance?

20 A. Yes.

21 Q. Yes, it was?

22 A. Yes, it was.

23 Q. In preparing this affidavit did you
24 look at any Atlantic Credit & Finance records

ASHLEY HOFFMAN

1 concerning this particular account?

2 A. No, I did not.

3 Q. That is again consistent with your
4 routine you would not look at such records, correct?

5 A. Correct.

6 Q. If there was a billing history by
7 Atlantic Credit & Finance or anyone on the behalf of
8 Atlantic Credit & Finance to Ms. Montgomery, you
9 would know about that before signing this affidavit,
10 correct?

11 A. I wouldn't know directly about it
12 but we have processes in place where if we purchased
13 such accounts that were disputed or were unqualified
14 accounts, that we have put-back revisions in the
15 contracts we have with the selling entities, and if
16 they were to put-back this account and return it to
17 the seller, the account would be closed and it would
18 not show up on our validation screen or AMS, the
19 screen I'm looking at when I'm processing affidavits,
20 and my only option for this affidavit would be to
21 fail it. So at that point I would know that there
22 was a dispute or some form of dispute that caused us
23 to close this account.

24 Q. So the seller would effectuate this

ASHLEY HOFFMAN

1 put-back as you put it on their own, correct?

2 A. I'm not exactly sure how it works.

3 Q. At any rate, you would not look at
4 any history or dispute history from Atlantic Credit &
5 Finance in preparing one of these affidavits,
6 correct?

7 A. That's correct.

8 Q. The next sentence in paragraph one
9 says that, "I have access to and review the records
10 pertaining to the account." Do you see that?

11 A. Yes, I do.

12 Q. The immediately preceding sentence,
13 "The account is defined as that old Capital One
14 account that ends in account 3595." Do you see that?

15 A. Yes.

16 MR. SCHWARTZ: Objection as to
17 form.

18 Q. That is the account we are talking
19 about, the old Capital One account, is that correct?

20 A. Yes, we are talking about the
21 Capital One account ending in 3595.

22 Q. When you say, "I have access and
23 review the records pertaining to the account, am I
24 correct you did not have access and you did not

ASHLEY HOFFMAN

1 review any documents whatsoever from Capital One?

2 A. I did have access. I did not
3 review those documents in relation to this affidavit
4 or to this account but I did review the pertinent
5 account records that allowed me to verify all the
6 information within this document.

7 Q. We are going to get to that in a
8 moment but as far as the Capital One application, the
9 statements, the dispute history, you did not review
10 any of those things, correct?

11 A. That's correct.

12 Q. That is consistent with your
13 routine at the time as to how you would have verified
14 these affidavits, is that also correct?

15 A. Yes.

16 Q. In terms of pertinent account
17 records, you would not have reviewed any history or
18 dispute history from Atlantic Credit & Finance
19 either, is that correct?

20 A. Yes, that's correct.

21 Q. Again that is consistent with your
22 routine in preparing these affidavits in March of
23 2011, correct?

24 A. Correct.

ASHLEY HOFFMAN

1 Q. You did look at a computer screen
2 of a Midland Credit Management computer screen that
3 said that Ms. Montgomery owed this money, correct?

4 A. Correct.

5 Q. Other than looking at this computer
6 screen internally at Midland Credit Management, am I
7 correct you did not review any other records
8 concerning the old Capital One account?

9 A. That's correct.

10 Q. Again that is consistent with your
11 routine at the time, correct, Ms. Hoffman?

12 A. Yes, that's correct.

13 Q. The next paragraph you say that the
14 defendant opened the account with Capital One
15 sometime in 2007, it looks like. Am I correct the
16 date you have there is November 6?

17 A. That's correct.

18 Q. The defendant would have been
19 Ms. Montgomery?

20 A. Yes.

21 Q. You don't know that Ms. Montgomery,
22 in fact, opened this account with Capital One on
23 November 6, 2007, do you?

24 A. That is what the account records

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1 Q. So every one of the accounts you
2 would have on your computer screen would relate to
3 some consumer who allegedly owes a debt, correct?

4 A. Correct.

5 Q. You did not investigate with
6 respect to Ms. Montgomery as to whether this account
7 was opened fraudulently, correct?

8 A. Correct. I just reviewed the
9 account records on the validation screen.

10 Q. You would never have conducted some
11 type of a fraud investigation before signing one of
12 these affidavits, correct?

13 A. Not for an affidavit of this type.
14 It doesn't have language referring to any kind of
15 disputes or anything of that nature but if it had, I
16 would have investigated further.

17 Q. Would you have access to all of
18 Midland Credit Management's, their own internal
19 records concerning this account before you were to
20 sign an affidavit like this on March 11, 2011?

21 A. I have access to the pertinent
22 records. So I don't know if I have access to all of
23 them but I have access to all the records that I
24 would need to look at in order to verify a statement

ASHLEY HOFFMAN

1 A. I don't know.

2 Q. With respect to the time you signed
3 it on March 11, 2011, you believed the information
4 you saw in the validation screen was accurate,
5 correct?

6 A. Correct.

7 Q. That is why you signed this
8 affidavit for no other reason, correct?

9 A. That's correct.

10 Q. When you get these affidavits
11 printed out of the computer system and sent to you,
12 do you ever change any of the words around or make
13 any edits to them?

14 A. No.

15 Q. The answer was no?

16 A. The answer is no.

17 Q. Would it be accurate to say in the
18 years -- You have worked there about four years now
19 at Midland Credit Management?

20 A. A little over three years.

21 Q. So you must have signed tens of
22 thousands of these affidavits in that time frame,
23 would you agree?

24 A. I don't know how many affidavits I

ASHLEY HOFFMAN

1 A. Now we are talking about all
2 affidavits?

3 Q. All of these affidavits that you
4 signed for Midland Credit Management in support of a
5 lawsuit to be brought against a consumer like the one
6 we have here in Hoffman 1?

7 A. Like the one we have here I would
8 never have signed or I would never have changed any
9 of the information within the affidavit.

10 Q. Are you aware that a federal judge
11 in 2009 found that Midland Credit Management's use of
12 affidavits based on personal knowledge like the one
13 we have here as Hoffman 1 were false and misleading
14 under a federal law known as the Fair Debt Collection
15 Practices Act?

16 MR. SCHWARTZ: I'm going to object
17 as to form. You said like affidavit Exhibit Hoffman
18 1 and it's not like affidavit Exhibit Hoffman 1. If
19 you want to rephrase the question, that is fine.
20 The objection is as to form.

21 Q. I will break it down. Are you
22 aware a federal judge in 2009 found that Midland's
23 affidavit, Midland Credit Management's, using the
24 specific phrase that they are based on personal

ASHLEY HOFFMAN

1 knowledge was found to be false and misleading under
2 a federal law known as the Fair Debt Collection
3 Practices Act?

4 A. I'm aware of the case, yes.

5 Q. As far as you know, the phrase that
6 we see here in Hoffman 1 that says it's based on --
7 the information is based on your personal knowledge
8 is that language that continues to be used by Midland
9 in affidavits that you sign in 2013?

10 MR. SCHWARTZ: Objection as to
11 form.

12 A. Can you please rephrase that.

13 Q. Are you aware that, for example, in
14 2010, a year after the federal judge made that
15 finding about Midland Credit Management's affidavits,
16 you continued -- you personally -- continued to sign
17 affidavits that were based on personal knowledge and
18 filed with courts in collection matters?

19 A. The affidavits that I signed based
20 on personal knowledge were based on personal
21 knowledge of the account records. I don't know
22 exactly what the language in the affidavits prior to
23 the 2009 ruling stated but the ones that I signed
24 state that I have personal knowledge of the business

ASHLEY HOFFMAN

1 records.

2 Q. That language that you have
3 personal knowledge of the pertinent account records,
4 does that sound correct?

5 A. Are you reading off the affidavit?

6 Q. That is what it says in Hoffman 1,
7 "I have access to the pertinent account records." Do
8 you see that?

9 MR. SCHWARTZ: Objection. If you
10 are going to read, you should read in its entirety.

11 Q. Paragraph one, Ms. Hoffman, do you
12 see that you say that you have access to pertinent
13 account records for Midland Credit Management,
14 servicer on the account on behalf of the plaintiff?

15 A. Yes.

16 Q. And the very next sentence says
17 that you are a competent person over age 18 and you
18 make the statements herein based upon your personal
19 knowledge. Do you see that?

20 MR. SCHWARTZ: Of those account
21 records.

22 Q. Of those account records, correct.

23 A. Yes, I see that.

24 Q. My question simply is whether that

ASHLEY HOFFMAN

1 language we see in paragraph one is language that you
2 continue using in 2010 in affidavits you signed and
3 filed with courts?

4 A. Yes.

5 MR. SCHWARTZ: Objection as to
6 form.

7 Q. You continue to use that exact same
8 language that we see in paragraph one of the Hoffman
9 affidavit in 2011 in affidavits that were filed with
10 courts, correct?

11 A. That's correct.

12 Q. You continue to use that exact same
13 language that we see in Hoffman 1, the first
14 paragraph of Hoffman 1, in affidavits that you signed
15 and filed with courts in 2012, isn't that correct?

16 A. Correct.

17 Q. You still use that exact same
18 language in affidavits that you sign and have filed
19 with courts this year in 2013, correct?

20 A. Correct.

21 Q. After you were personally sued in
22 2012 three times for allegedly filing false and
23 misleading affidavits on behalf of your employer, did
24 you recommend any changes to your manager or to

ASHLEY HOFFMAN

1 anybody else at Midland Credit Management in
2 connection with preparing the affidavits that you
3 prepare?

4 A. No, I did not.

5 MR. SCHWARTZ: Objection as to
6 form. You can go ahead and answer.

7 A. No, I did not.

8 MR. SOUMILAS: What was wrong with
9 form of that question?

10 MR. SCHWARTZ: You are asking her
11 about a case, which case in 2011. You better lay
12 foundation so we know exactly what you are talking
13 about.

14 Q. Do you remember you gave me
15 testimony earlier today you were personally sued
16 three times in 2012 allegedly for signing false and
17 misleading affidavits on behalf of your employer
18 Midland Credit Management? Do you remember that
19 testimony?

20 A. Yes.

21 Q. You remember two of those lawsuits
22 were in Tennessee, another was in Pennsylvania?

23 A. I didn't recall where they were
24 from.

ASHLEY HOFFMAN

1 Q. My question was after those three
2 lawsuits personally against you in 2012, whether you
3 approached your manager or anybody else at Midland
4 Credit Management and asked them maybe they should
5 look into making some changes into the affidavits
6 that you are signing for them?

7 A. No, I did not.

8 Q. Have you ever recommended any
9 changes to your employer concerning the affidavits
10 that you signed for them and that are filed in court
11 throughout the country?

12 A. I've made some recommendations,
13 yes. I couldn't tell you exactly what they were. I
14 don't recall.

15 Q. Do you know when you made those
16 recommendations?

17 A. No, I don't.

18 Q. Do you know who you made them to?

19 A. I would have made them to my
20 manager.

21 Q. Do you know that for sure?

22 A. I know that if I would have made
23 recommendations, I would have made those
24 recommendations to somebody who would do something

ASHLEY HOFFMAN

1 about it.

2 Q. Who was your manager?

3 A. At the time my manager was Josh
4 Knebel.

5 Q. Could you spell the last name,
6 please.

7 A. K-n-e-b-e-l.

8 Q. Was anything done about it?

9 A. I don't recall. I don't even
10 recall the specific recommendations that I gave.

11 Q. As you sit here today you don't
12 recall any specific recommendation you made to
13 Mr. Knebel or anybody else or whether anything was
14 done about it, to use your words, correct?

15 A. Correct.

16 MR. SOUMILAS: Let's go off the
17 record, please.

18 VIDEOGRAPHER: We are going off the
19 record at 1:10 PM.

20 (Recess 01:10 PM to 01:13 PM.)

21 VIDEOGRAPHER: We are back on the
22 record at 1:15 PM.

23 Q. Ms. Hoffman, just a couple more
24 questions. Are you familiar or aware of anyone at

ASHLEY HOFFMAN

1 Q. You told me your regular routine
2 was you would not have communications with the
3 attorneys who made requests for these affidavits like
4 Hoffman 1, correct?

5 A. Typically no.

6 Q. Do you ever in your life, again
7 without telling me what was said, do you recall any
8 conversation with Mr. Weinstein?

9 A. Yes. I've had conversations with
10 him via e-mail.

11 Q. Would that have been in the
12 Montgomery case or other matters?

13 A. I don't recall specifically.

14 Q. Turning not to attorneys but non
15 attorney people such as your manager at Midland
16 Credit Management or some other business person, has
17 anyone in the time you've been there between 2009 and
18 the present told you that you should do anything
19 different in preparing these affidavits like Hoffman
20 1, different from the process that you described
21 today and explained to us how you prepared Hoffman
22 1?

23 A. No. The process has been the same
24 since I started in 2009.

ASHLEY HOFFMAN

1 STATE OF MINNESOTA

CERTIFICATE

2 COUNTY OF HENNEPIN

3
4 BE IT KNOWN, that I took the deposition of
5 ASHLEY HOFFMAN at the time and place set forth
6 herein;

7 That I was then and there a Notary Public in
8 and for the County of Hennepin, State of Minnesota
9 and by virtue thereof I was duly authorized to
10 administer an oath;

11 That the witness before testifying was by me
12 first duly sworn to testify to the whole truth
13 relative to said cause;

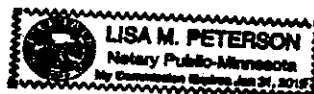
14 That the testimony of said witness was
15 recorded in shorthand and transcribed into
16 typewriting, and that the deposition is a true record
17 of the testimony given by the witness, to the best of
18 my ability;

19 That I am not related to any of the parties
20 hereto nor interested in the outcome of the action;

21 That the reading and signing of the
22 deposition by the witness was waived;

23 That the original transcript was charged and
24 delivered to attorney conducting the deposition for
filing, that copies were charged at the same rate to
respective counsel;

WITNESS MY HAND AND SEAL THIS
8TH DAY OF MARCH 2013.

*Lisa Peterson*

Lisa M. Peterson
My commission expires 1/31/15